

3/13/15

11:40 A.M.

Chapter No. 326
15/HR26/R1258PH
CST/NC

HOUSE BILL NO. 389

Originated in House



Clerk

HOUSE BILL NO. 389

AN ACT TO PROHIBIT ANY PERSON FROM OPERATING A MOTOR VEHICLE ON A HIGHWAY WHILE USING A HAND-HELD WIRELESS COMMUNICATION DEVICE; TO PROVIDE THAT A VIOLATION IS A CIVIL VIOLATION WITH A CIVIL PENALTY; TO REPEAL SECTION 63-1-73, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS TEXTING WHILE DRIVING UNDER CERTAIN LICENSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For purposes of this section, the following terms shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:

(a) "Hand-held mobile telephone" means a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends or reads a text message using at least one hand. The term "hand-held mobile telephone" shall not include a voice-operated or hands-free device;

(b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways;

(c) "Social networking site" means any web-based service that allows individuals to construct a profile within a founded system, articulate a list of other users with whom they share a connection, and communicate with other users of the site;

(d) "Text message" includes a text-based message, instant message, electronic message, and email, but shall not include an emergency, traffic or weather alert or a message related to the operation or navigation of the motor vehicle;

(e) "Voice operated or hands-free device" means a device that allows the user to write, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function; and

(f) "Writing," "sending" and "reading," with respect to a text message, means the manual entry, sending, or retrieval of a text message, respectively, to communicate with any person or device.

(2) An operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading or posting to a social networking site using a hand-held mobile telephone while driving said motor vehicle.

(3) A violation of this section is a civil violation, and upon being found in violation, is punishable by a civil penalty of Twenty-five Dollars (\$25.00) for violations committed until July 1, 2016, and One Hundred Dollars (\$100.00) for violations

committed from and after July 1, 2016. No state assessments shall be imposed or collected for a violation under this section.

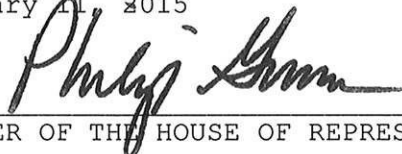
(4) The Department of Public Safety shall keep and maintain records of citations issued under this statute, including the age and race of the vehicle operator, whether there was an additional traffic violation by the vehicle operator, and whether there was a crash or any damage to a vehicle or passenger at the time of the citation.

(5) This section shall stand repealed on July 1, 2018.

SECTION 2. Section 63-1-73, Mississippi Code of 1972, which prohibits texting while driving under certain licenses, is repealed.

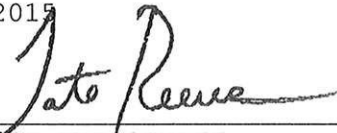
SECTION 3. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 11, 2015



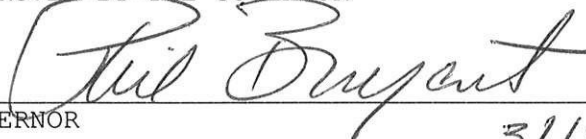
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 9, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

3/13/15
11:40 AM